

Senate Engrossed House Bill

FILED

**MICHELE REAGAN
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

**CHAPTER 196
HOUSE BILL 2247**

AN ACT

AMENDING SECTIONS 28-3228, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA
REVISED STATUTES; RELATING TO SCHOOL BUS DRIVERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3228, Arizona Revised Statutes, is amended to
3 read:

4 28-3228. School bus drivers; requirements; rules;
5 cancellation

6 A. A person shall not operate a school bus transporting school
7 children unless the person possesses the appropriate license class for the
8 size of school bus being operated that is issued by the department of
9 transportation, a bus endorsement that is issued by the department of
10 transportation and a school bus certificate that is issued by the
11 department of public safety.

12 B. To be certified as a school bus driver a person shall do both of
13 the following:

14 1. Meet and maintain the minimum standards prescribed by this
15 section and rules adopted by the department of public safety in
16 consultation with the school bus advisory council established by section
17 28-3053.

18 2. Complete an initial instructional course on school bus driver
19 safety and training including behind the wheel training.

20 C. The department of public safety in consultation with the school
21 bus advisory council established by section 28-3053 shall adopt rules that
22 establish minimum standards for the certification of school bus drivers.
23 In cooperation with local school districts, the department of public
24 safety shall provide for school bus driver safety and training courses.
25 The standards established shall:

26 1. Include requirements concerning moral character, knowledge of
27 school bus operation, pupil and motor vehicle safety, physical impairments
28 that might affect the applicant's ability to safely operate a school bus
29 or that might endanger the health or safety of school bus passengers,
30 knowledge of first aid, establishment of school bus safety and training
31 courses, a refresher course to be completed on at least a biennial basis
32 and other matters as the department of public safety and the school bus
33 advisory council established by section 28-3053 prescribe for the
34 protection of the public.

35 2. Require tests to detect the presence of alcohol or the use of a
36 drug in violation of title 13, chapter 34 that may adversely affect the
37 ability of the applicant to safely operate a school bus.

38 3. Authorize the performance of hearing tests with or without the
39 use of a hearing aid as provided in 49 Code of Federal Regulations section
40 391.41.

41 D. Each ~~applicant~~ PERSON WHO APPLIES for a school bus driver
42 certificate shall ~~submit a full set of fingerprints to the department of~~
43 ~~public safety for the purpose of obtaining a state and federal criminal~~
44 ~~records check pursuant to section 41-1750 and Public Law 92-544.~~ HAVE A
45 VALID FINGERPRINT CLEARANCE CARD THAT IS ISSUED PURSUANT TO TITLE 41,

1 CHAPTER 12, ARTICLE 3.1 AND SHALL SUBMIT AN IDENTITY VERIFIED FINGERPRINT
2 CARD AS DESCRIBED IN SECTION 15-106 THAT the department of public safety
3 ~~may exchange this fingerprint data with the federal bureau of~~
4 ~~investigation. For the purposes of this subsection, each applicant shall~~
5 ~~pay a fee to the department of public safety to reimburse the department~~
6 ~~of public safety for the cost of obtaining the criminal records check~~
7 ~~required by this subsection. The fee shall not exceed the actual cost of~~
8 ~~obtaining the criminal records check~~ SHALL USE TO PROCESS THE FINGERPRINT
9 CLEARANCE CARD AS OUTLINED IN SECTION 15-106.

10 E. A PERSON WHO IS ISSUED A SCHOOL BUS DRIVER CERTIFICATE SHALL
11 MAINTAIN A VALID IDENTITY VERIFIED FINGERPRINT CLEARANCE CARD FOR THE
12 DURATION OF ANY SCHOOL BUS DRIVER CERTIFICATION PERIOD.

13 F. THE DEPARTMENT OF PUBLIC SAFETY SHALL SUSPEND A SCHOOL BUS
14 DRIVER CERTIFICATE IF THE FINGERPRINT CLEARANCE CARD IS INVALID,
15 SUSPENDED, CANCELED OR REVOKED.

16 ~~F.~~ G. The department of public safety shall issue a school bus
17 driver certificate to an applicant who meets the requirements of this
18 section. The certificate is valid if the applicant maintains the minimum
19 standards established by this section.

20 ~~F.~~ H. The department of public safety may cancel the certificate
21 if the person's license to drive is suspended, canceled, revoked or
22 disqualified. The department of public safety shall cancel the
23 certificate if the person fails to maintain the minimum standards
24 established pursuant to this section. A person whose application for a
25 certificate is refused or whose certificate is canceled for failure to
26 meet or maintain the minimum standards may request and receive a hearing
27 from the department of public safety.

28 ~~G.~~ I. The department of public safety shall enforce the rules
29 adopted pursuant to this section.

30 Sec. 2. Section 41-619.51, Arizona Revised Statutes, is amended to
31 read:

32 41-619.51. Definitions

33 In this article, unless the context otherwise requires:

34 1. "Agency" means the supreme court, the department of economic
35 security, the department of child safety, the department of education, the
36 department of health services, the department of juvenile corrections, the
37 department of emergency and military affairs, THE DEPARTMENT OF PUBLIC
38 SAFETY, the department of transportation, the state real estate
39 department, the department of financial institutions, the Arizona game and
40 fish department, the board of examiners of nursing care institution
41 administrators and assisted living facility managers, the state board of
42 dental examiners or the Arizona state board of pharmacy.

43 2. "Board" means the board of fingerprinting.

44 3. "Central registry exception" means notification to the
45 department of economic security, the department of child safety or the

1 department of health services, as appropriate, pursuant to section
2 41-619.57 that the person is not disqualified because of a central
3 registry check conducted pursuant to section 8-804.

4 4. "Expedited review" means an examination, in accordance with
5 board rule, of the documents an applicant submits by the board or its
6 hearing officer without the applicant being present.

7 5. "Good cause exception" means the issuance of a fingerprint
8 clearance card to an employee pursuant to section 41-619.55.

9 6. "Person" means a person who is required to be fingerprinted
10 pursuant to this article or who is subject to a central registry check and
11 any of the following:

- 12 (a) Section 8-105.
- 13 (b) Section 8-322.
- 14 (c) Section 8-463.
- 15 (d) Section 8-509.
- 16 (e) Section 8-802.
- 17 (f) Section 8-804.
- 18 (g) Section 15-183.
- 19 (h) Section 15-503.
- 20 (i) Section 15-512.
- 21 (j) Section 15-534.
- 22 (k) Section 15-763.01.
- 23 (l) Section 15-782.02.
- 24 (m) Section 15-1330.
- 25 (n) Section 15-1881.
- 26 (o) Section 17-215.
- 27 (p) SECTION 28-3228.
- 28 ~~(p)~~ (q) Section 28-3413.
- 29 ~~(q)~~ (r) Section 32-1232.
- 30 ~~(r)~~ (s) Section 32-1284.
- 31 ~~(s)~~ (t) Section 32-1297.01.
- 32 ~~(t)~~ (u) Section 32-1904.
- 33 ~~(u)~~ (v) Section 32-2108.01.
- 34 ~~(v)~~ (w) Section 32-2123.
- 35 ~~(w)~~ (x) Section 32-2371.
- 36 ~~(x)~~ (y) Section 32-3620.
- 37 ~~(y)~~ (z) Section 32-3668.
- 38 ~~(z)~~ (aa) Section 32-3669.
- 39 ~~(aa)~~ (bb) Section 36-207.
- 40 ~~(bb)~~ (cc) Section 36-411.
- 41 ~~(cc)~~ (dd) Section 36-425.03.
- 42 ~~(dd)~~ (ee) Section 36-446.04.
- 43 ~~(ee)~~ (ff) Section 36-594.01.
- 44 ~~(ff)~~ (gg) Section 36-594.02.
- 45 ~~(gg)~~ (hh) Section 36-882.

- 1 ~~(hh)~~ (ii) Section 36-883.02.
- 2 ~~(ii)~~ (jj) Section 36-897.01.
- 3 ~~(jj)~~ (kk) Section 36-897.03.
- 4 ~~(kk)~~ (ll) Section 36-3008.
- 5 ~~(ll)~~ (mm) Section 41-619.53.
- 6 ~~(mm)~~ (nn) Section 41-1964.
- 7 ~~(nn)~~ (oo) Section 41-1967.01.
- 8 ~~(oo)~~ (pp) Section 41-1968.
- 9 ~~(pp)~~ (qq) Section 41-1969.
- 10 ~~(qq)~~ (rr) Section 41-2814.
- 11 ~~(rr)~~ (ss) Section 46-141, subsection A.
- 12 ~~(ss)~~ (tt) Section 46-321.

13 Sec. 3. Section 41-1758, Arizona Revised Statutes, is amended to
14 read:

15 41-1758. Definitions

16 In this article, unless the context otherwise requires:

17 1. "Agency" means the supreme court, the department of economic
18 security, the department of child safety, the department of education, the
19 department of health services, the department of juvenile corrections, the
20 department of emergency and military affairs, THE DEPARTMENT OF PUBLIC
21 SAFETY, the department of transportation, the state real estate
22 department, the department of financial institutions, the board of
23 fingerprinting, the Arizona game and fish department, the board of
24 examiners of nursing care institution administrators and assisted living
25 facility managers, the state board of dental examiners or the Arizona
26 state board of pharmacy.

27 2. "Division" means the fingerprinting division in the department
28 of public safety.

29 3. "Electronic or internet-based fingerprinting services" means a
30 secure system for digitizing applicant fingerprints and transmitting the
31 applicant data and fingerprints of a person or entity submitting
32 fingerprints to the department of public safety for any authorized purpose
33 under this title. For the purposes of this paragraph, "secure system"
34 means a system that complies with the information technology security
35 policy approved by the department of public safety.

36 4. "Good cause exception" means the issuance of a fingerprint
37 clearance card to an applicant pursuant to section 41-619.55.

38 5. "Person" means a person who is required to be fingerprinted
39 pursuant to any of the following:

- 40 (a) Section 8-105.
- 41 (b) Section 8-322.
- 42 (c) Section 8-463.
- 43 (d) Section 8-509.
- 44 (e) Section 8-802.
- 45 (f) Section 15-183.

1 (g) Section 15-503.
2 (h) Section 15-512.
3 (i) Section 15-534.
4 (j) Section 15-763.01.
5 (k) Section 15-782.02.
6 (l) Section 15-1330.
7 (m) Section 15-1881.
8 (n) Section 17-215.
9 (o) SECTION 28-3228.
10 ~~(p)~~ (p) Section 28-3413.
11 ~~(q)~~ (q) Section 32-1232.
12 ~~(r)~~ (r) Section 32-1284.
13 ~~(s)~~ (s) Section 32-1297.01.
14 ~~(t)~~ (t) Section 32-1904.
15 ~~(u)~~ (u) Section 32-2108.01.
16 ~~(v)~~ (v) Section 32-2123.
17 ~~(w)~~ (w) Section 32-2371.
18 ~~(x)~~ (x) Section 32-3620.
19 ~~(y)~~ (y) Section 32-3668.
20 ~~(z)~~ (z) Section 32-3669.
21 ~~(aa)~~ (aa) Section 36-207.
22 ~~(bb)~~ (bb) Section 36-411.
23 ~~(cc)~~ (cc) Section 36-425.03.
24 ~~(dd)~~ (dd) Section 36-446.04.
25 ~~(ee)~~ (ee) Section 36-594.01.
26 ~~(ff)~~ (ff) Section 36-594.02.
27 ~~(gg)~~ (gg) Section 36-882.
28 ~~(hh)~~ (hh) Section 36-883.02.
29 ~~(ii)~~ (ii) Section 36-897.01.
30 ~~(jj)~~ (jj) Section 36-897.03.
31 ~~(kk)~~ (kk) Section 36-3008.
32 ~~(ll)~~ (ll) Section 41-619.52.
33 ~~(mm)~~ (mm) Section 41-619.53.
34 ~~(nn)~~ (nn) Section 41-1964.
35 ~~(oo)~~ (oo) Section 41-1967.01.
36 ~~(pp)~~ (pp) Section 41-1968.
37 ~~(qq)~~ (qq) Section 41-1969.
38 ~~(rr)~~ (rr) Section 41-2814.
39 ~~(ss)~~ (ss) Section 46-141, subsection A.
40 ~~(tt)~~ (tt) Section 46-321.
41 6. "Vulnerable adult" has the same meaning prescribed in section
42 13-3623.

1 Sec. 4. Section 41-1758.01, Arizona Revised Statutes, is amended to
2 read:

3 41-1758.01. Fingerprinting division; powers and duties

4 A. The fingerprinting division is established in the department of
5 public safety and shall:

6 1. Conduct fingerprint background checks for persons and applicants
7 who are seeking licenses from state agencies, employment with licensees,
8 contract providers and state agencies or employment or educational
9 opportunities with agencies that require fingerprint background checks
10 pursuant to sections 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503,
11 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3228,
12 28-3413, 32-1232, 32-1284, 32-1297.01, 32-1904, 32-2108.01, 32-2123,
13 32-2371, 32-3620, 32-3668, 32-3669, 36-207, 36-411, 36-425.03, 36-446.04,
14 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008,
15 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814,
16 section 46-141, subsection A and section 46-321.

17 2. Issue fingerprint clearance cards. On issuance, a fingerprint
18 clearance card becomes the personal property of the cardholder and the
19 cardholder shall retain possession of the fingerprint clearance card.

20 3. On submission of an application for a fingerprint clearance
21 card, collect the fees established by the board of fingerprinting pursuant
22 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
23 the monies collected in the board of fingerprinting fund.

24 4. Inform in writing each person who submits fingerprints for a
25 fingerprint background check of the right to petition the board of
26 fingerprinting for a good cause exception pursuant to section 41-1758.03,
27 41-1758.04 or 41-1758.07.

28 5. If after conducting a state and federal criminal history records
29 check the division determines that it is not authorized to issue a
30 fingerprint clearance card to a person, inform the person in writing that
31 the division is not authorized to issue a fingerprint clearance card. The
32 notice shall include the criminal history information on which the denial
33 was based. This criminal history information is subject to dissemination
34 restrictions pursuant to section 41-1750 and Public Law 92-544.

35 6. Notify the person in writing if the division suspends, revokes
36 or places a driving restriction notation on a fingerprint clearance card
37 pursuant to section 41-1758.04. The notice shall include the criminal
38 history information on which the suspension, revocation or placement of
39 the driving restriction notation was based. This criminal history
40 information is subject to dissemination restrictions pursuant to section
41 41-1750 and Public Law 92-544.

42 7. Administer and enforce this article.

43 B. The fingerprinting division may contract for electronic or
44 internet-based fingerprinting services through an entity or entities for
45 the acquisition and transmission of applicant fingerprint and data

1 submissions to the department, including identity verified fingerprints
2 pursuant to section 15-106. The entity or entities contracted by the
3 department of public safety may charge the applicant a fee for services
4 provided pursuant to this article. The entity or entities contracted by
5 the department of public safety shall comply with:

6 1. All information privacy and security measures and submission
7 standards established by the department of public safety.

8 2. The information technology security policy approved by the
9 department of public safety.

10 Sec. 5. Current certified school bus drivers

11 A. On or before December 31, 2018, a person who is certified as a
12 school bus driver pursuant to section 28-3228, Arizona Revised Statutes,
13 before the effective date of this act must obtain a valid fingerprint
14 clearance card and submit an identity verified fingerprint card as
15 prescribed by section 28-3228, Arizona Revised Statutes, as amended by
16 this act, to maintain certification.

17 B. A person who is certified as a school bus driver pursuant to
18 section 28-3228 who holds a valid fingerprint clearance card prior to the
19 effective date of this act may use their current valid fingerprint
20 clearance card to satisfy the new requirements of this act until such
21 fingerprint clearance card expires.

APPROVED BY THE GOVERNOR APRIL 26, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2017.

Passed the House February 2, 20 17

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House
☐ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate March 28, 20 17

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill received by the Governor this

_____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary of State

H.B. 2247

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 20, 20 17,

by the following vote: 57 Ayes,

0 Nays, 2 Not Voting

1 vacant

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21st day of April, 20 ,

at 9:03 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 26th day of

April, 20 17,

at 1:46 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2247

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 26 day of April, 20 17,

at 4:44 o'clock P M.

[Signature]
Secretary of State